

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

LIONEL RUBALCAVA,

Petitioner,

VS.

TOM FELKER, Warden,

Respondent.

Case No. C 07-5379 SBA (pr)

ORDER

Dkt. 21

13 On March 11, 2010, the Court denied Petitioner’s petition for writ of habeas corpus
14 and correspondingly declined to issue a certificate of appealability. Dkt. 5. Petitioner filed
15 a notice of appeal from the Court’s ruling. Dkt. 7. Thereafter, the Court denied Petitioner’s
16 request to proceed in forma pauperis (“IFP”) on appeal, 28 U.S.C. § 1915(a)(3), on the
17 ground that his appeal was not in good faith. Dkt. 17. Petitioner has now filed a motion for
18 reconsideration of the Court’s order denying his IFP request. Dkt. 21.

19 A district court has the discretion to reconsider a prior order. Sch. Dist. No. 1J v.
20 ACandS, Inc., Multnomah Cnty., Or., 5 F.3d 1255, 1262 (9th Cir. 1993). “A motion for
21 reconsideration should not be granted, absent highly unusual circumstances, unless the
22 district court is presented with newly discovered evidence, committed clear error, or if there
23 is an intervening change in the controlling law.” 389 Orange Street Partners v. Arnold, 179
24 F.3d 656, 665 (9th Cir. 1999). Here, Petitioner has not presented the Court with any
25 compelling arguments demonstrating that reconsideration is warranted under the
26 aforementioned standard. While Petitioner may meet the poverty requirement for IFP
27 status, he has made no showing that the Court’s determination that his appeal was not taken
28 in good faith was in error. Accordingly,

1 IT IS HEREBY ORDERED THAT Petitioner's motion for reconsideration is
2 DENIED. This Order terminates Docket 21.

3 IT IS SO ORDERED.

4 Dated: March 31, 2011


5 SAUNDRA BROWN ARMSTRONG
United States District Judge

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